

REMARKS

In new claims 14 to 24, the terms "about" have been canceled, and the term "not very" before "stable" has been reintroduced to suppress new matter.

New Claims 14 to 23 have been amended to fulfil the novelty criteria.

New claim 24 relates to a boiled sugar obtained by boiling a composition comprising at least one not very soluble compound selected from sugars, polyols and mixtures thereof, and at least one anti-crystallizing agent selected from the group comprising a fraction of at least one compound selected from the group of :

- starch hydrolysate with a molecular weight ranging 500 to 8 000 daltons and having a Tg of less than 140°C,
- pyrodextrins and polyglucoses with a molecular weight ranging 1 000 to 8 000 daltons.

Support for this claim can be found in page 12, lines 19-23 and page 15, lines 1 to 13 of that specification.

Claims 1, 5-8 and 12-13 are rejected under 35USC§102 as being anticipated by Mentink et al. (US 5,314,701).

New Claims 14 to 23 have been amended , and relate now to a sweetening composition comprising:

- at least one not very soluble compound selected from sugars, polyols and mixtures thereof, and
- at least one anti-crystallising agent comprising a fraction of at least one compound selected from the group of pyrodextrins, polyglucoses and mixtures

thereof with a molecular weight in the range of 1000 to 8000 Daltons.

They are thus novel in view of Mentink et al..

New claim 24 is also novel in view of Mentink et al. since Mentink et al. describes sugars having a multilayer structure.

Furthermore, the teaching of Mentink et al. consists in using a multilayer structure presenting an external layer with a specific composition, different from that of the present invention, in order to obtain hard candy with good stability properties.

The problem to be solved by the Applicants was to provide for a new sweetening composition suitable for a direct and simple process for the manufacture of plain boiled sugars which, as indicated in page 8 lines 16 to 23 of the specification :

- do not become sticky,
- do not grain or turn opaque and white in surface,
- do not become misshapen at normal summer temperatures in temperate climates.

Nothing in Mentink et al. incites one skilled in the art to provide for the composition according to the invention since, on the contrary, Mentink et al. concerns a completely different composition, i.e. a multilayer structure.

New claim 14 is thus inventive in view of Mentink et al..

The Examiner rejects claims 9 to 11 under 35 USC§103(a) as being unpatentable over Mentink et al. (US 5,314,701) in view of Yotka et al. (WO 93/05663).

Applicants respectfully traverse this ground of objection.

Claim 11 has been cancelled.

New claims 22 and 23, which depend on new claim 14, correspond to former claims 9 and 10.

Since claims 22 and 23 depend on claim 14 which is inventive, claims 22 and 23 are also inventive.

Furthermore, the person skilled in the art is not incited to combine Mentink et al. and Yotka et al..

As indicated above, the Applicants have solved a stability problem of plain boiled sugars.

In order to solve such a problem, Mentink et al. suggests the provision of hard candies presenting a multilayer structure with an external layer presenting a specific composition different from that of the present invention.

Yotka et al. relates to chewing-gum containing indigestible dextrans , i.e. to products totally different from those of the present invention, which do not present the problems of stability of plain boiled sugars.

One skilled in the art who has to solve the above problem is not incited to look for documents relating to chewing-gum.

Even if the one skilled in the art combined Mentink et al. and Yotka , he would never obtain the composition according to the invention.

Claims 22 and 23 are thus inventive in view of Mentink et al. in combination with Yotka et al.

The Examiner rejects claims 2 to 4 under 35 USC§103(a) as being unpatentable over Mentink et al. (US 5,314,701) in view of Yotka et al.(WO 93/05663) and Ribadeau-Dumas et al. (US 5,470,591).

Applicants respectfully traverse this ground of objection.

Claims 2 to 4 correspond to new claims 15 to 17.

New claim 15 depends on new claim 14 and new claims 16 and 17 depend on new claim 15.

Since claim 14 is inventive in view of Mentink et al., no combination with other documents will be pertinent to destroy the inventiveness of claims which depend directly or indirectly on claim 14.

Thus Claims 15 to 17 are inventive in view of Mentink et al. in combination with Yotka et al. and Ribadeau-Dumas et al..

Applicants duly pay attention to *In re Levin*, 84 USPQ 232 and have indicated in page 9 line 15 to page 10 line 8 of the specification, a cooperative relationship between the

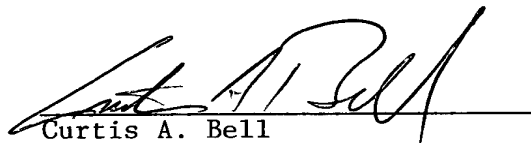
selected ingredients which produces the new, unexpected and useful stability.

Concerning the prior art made of record, i.e. US 4,233,439, "Principles of Food Chemistry" de Man, "Organic Chemistry" Morrison and Boyd, US 5,236,719 and US 5,795,397, Applicants consider that they are not relevant against novelty and inventive step of new claims 14 to 24.

In view of the above, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted.


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